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10 Attorneys for United States of America

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) No. CR 16-00440 WHA  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED] ORDER  
17 ) EXCLUDING TIME FROM JULY 24, 2018,  
18 YEVGENIY ALEXANDROVICH NIKULIN, ) THROUGH JANUARY 28, 2019.  
19 Defendant. )  
20 \_\_\_\_\_)

21 Defendant Yevgeniy Nikulin, represented by Arkady Bukh and Valery Nечай, and the United  
22 States, represented by Assistant United States Attorneys Michelle J. Kane and Matthew A. Parrella,  
23 hereby stipulate to the following:

24 1. On July 6, 2018, the Court signed a Supplemental Scheduling Order setting trial to  
25 commence with jury selection on January 28, 2019. ECF No. 43.

26 2. The parties appeared before the Court on July 24, 2018, for a further status conference;

27 3. At the status conference, the Court set the next appearance in the case on August 7, 2018,  
28 at 2:00 p.m. for a further status conference regarding defendant's attempts to obtain mental health

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records;

4. The Court, with the agreement of the parties, continued the previous complex case designation based on the nature of the prosecution, pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii);

5. The Court, also with the agreement of the parties, found that the time until the trial date was necessary for effective preparation of defense counsel, taking into account the exercise of due diligence, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv);

6. The parties agreed that the ends of justice served by excluding the period from July 24, 2018, through January 28, 2019, from Speedy Trial Act calculations outweigh the interests of the public and defendant in a speedy trial, in accordance with 18 U.S.C. § 3161(h)(7)(A) and (B).

## IT IS SO STIPULATED.

DATED: July 26, 2018

Respectfully submitted,

ALEX G. TSE  
Acting United States Attorney

/s/  
MICHELLE J. KANE  
MATTHEW A. PARRELLA  
Assistant United States Attorneys

/s/  
ARKADY BUKH  
Counsel for Yevgeniy Alexandrovich  
Nikulin

/s/  
VALERY NECHAY  
Counsel for Yevgeniy Alexandrovich  
Nikulin

## ORDER

Based upon the agreement of counsel at the July 24, 2018, status conference, and for good cause shown, the Court finds that the case is complex based on the nature of the prosecution and that it is therefore unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii). Also based

1 upon the agreement of counsel, and for good cause shown, the Court finds that failing to exclude the  
2 time between July 24, 2018, and January 28, 2019, would unreasonably deny counsel for the defendant  
3 the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.  
4 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by granting the  
5 continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §  
6 3161(h)(7)(A). Therefore, IT IS HEREBY ORDERED that the time from July 24, 2018, through  
7 January 28, 2019, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. §  
8 3161(h)(7)(A) and (B)(ii), (iv).

9 IT IS SO ORDERED.

10 Dated:

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HON. WILLIAM ALSUP  
United States District Judge

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